

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Shi et al.

Application No. 10/553,633

Filed: November 7, 2006

Confirmation No. 4649

For: POSTNATAL STEM CELLS AND USES
THEREOF

Examiner: Anne-Marie Falk, Ph.D.

Art Unit: 1632

Attorney Reference No. 4239-81540-05

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RESPONSE TO INTERVIEW SUMMARIES

An interview summary included with the final Office action dated May 3, 2011 summarizes an interview held on November 10, 2010 and a voicemail left by the Examiner on November 19th. On November 10, 2010, the possibility of making a deposit in support of the application was briefly discussed. The Examiner indicated she would consider whether the deposit would be helpful. On November 19, 2010, the Examiner left a voicemail for the undersigned suggesting that the deposit could possibly advance prosecution. The Examiner cautioned that all the claims must be directed to the originally elected subject matter (the cells themselves) and should not read on the prior art.

Another interview summary was mailed on May 19, 2011. On May 16, 2011, the undersigned called the Examiner to request that the finality of the Office action be withdrawn, in view of (1) an allegation that the newly added claims add new matter (see page 8 of the Office action); (2) a new ground of rejection, specifically an objection to the phrase "cells that have the characteristics of" and discussion of the ATCC deposit (see page 5 of the Office action), which raises new issues; (3) the filing of a Request for Continued Examination (RCE), and the payment of the required fee, and the submission of a written request for an interview prior to the issuance of the next Office action. The undersigned asserted that the issuance of a first final Office action

was improper (pursuant to MPEP §706.07), and requested an interview with the Supervisory Examiner. The Examiner requested specific information on the cell deposit, which the undersigned indicated she would obtain from the inventors. The Examiner did not agree to withdraw the finality of the Office action, but agreed to an interview with the Supervisory Examiner, and indicated she would leave a voicemail with a proposed time.

An interview was held with Examiner Faulk and Supervisory Examiner Parris on May 25, 2011, wherein the issuance of a first final Office action after the submission of an RCE was discussed. It is the understanding of the undersigned that the final Office action issued on May 3, 2011 will be reissued as a first Office action on the merits.

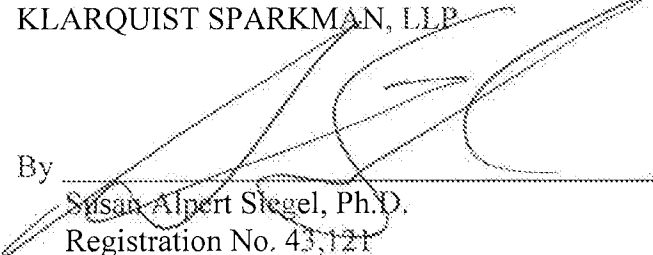
The Applicants thank the Examiners for the interviews, and for the considerable amount of attention, time and effort spent in reviewing and discussing the present application.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 595-5300
Facsimile: (503) 595-5301

By


Susan Alpert Siegel, Ph.D.
Registration No. 43,121